

TOWN OF VERNON
Planning & Zoning Commission (PZC)
Minutes – Regular Meeting
Thursday, July 19, 2012, 7:00 PM
Council Chambers, Third Floor
Memorial Building
14 Park Place
Rockville/Vernon, CT

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 VERNONTOWN CLERK
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1. Call to Order & Roll Call

- ◆ **Meeting was called to order at 7:03 P.M.**
- ◆ **Regular Members Present:** Chester Morgan, Charles Bardes, Victor Riscassi, William Roch and Dan Anderson
- ◆ **Alternate Members Present:** Ron Scussel, Richard Dias and Thomas Voss. Richard Dias to sit for Francis Kaplan. Thomas Voss to sit for Harry Thomas.
- ◆ **Staff Present:** David Gooch, Civil Engineer,
- ◆ **Recording Secretary:** James Krupinski

2. Administrative Actions/Requests

2.1 Amendment/Adoption of Agenda - Additional business to be considered under agenda item #5 "Other Business"

- ◆ William Roch, seconded by Charles Bardes moved a Motion to Adopt the Agenda as Amended through July 18, 2012. Motion carried unanimously.

2.2 Communications received NOT related to Agenda items

- ◆ **Connecticut Federation of Planning and Zoning Agencies Quarterly Newsletter, Summer 2012, Volume XVI, Issue 3.**
- ◆ **Connecticut Environmental Review Team Brochure**
- ◆ **University of Connecticut, School of Engineering, Connecticut Technology Transfer Newsletter, Spring 2012.**

2.3 Acceptance of Minutes

- ◆ **Victor Riscassi, seconded by Charles Bardes moved a Motion to Approve the Minutes of the June 7, 2012 Regular Meeting. Motion carried unanimously.**
- ◆ **Approval of the Minutes of the July 5, 2012 Regular Meeting moved to the August 2, 2012 meeting.**

3. Public Hearings

3.1 Application [PZ-2012-10] of Chuck Meek on behalf of First Hartford Realty Corp. for Approval of Special permits and Site Plan of Development to construct and operate a convenience store with sale of gasoline and diesel fuels at #333 Talcottville Road and a portion of #327 Talcottville Road (Assessor's ID: Map #04, Block #0004, Lots/Parcels #00007 and #0007B)

- ◆ **David Gooch, Civil Engineer read the Legal Notice into the Record.**

Public Notice
Town of Vernon

The Vernon Planning & Zoning Commission (PZC) will hold the following public hearing at its regular meeting at 7:00 PM on Thursday,

*July 19, 2012, in the Town Hall Council Chambers on the Third Floor at
14 Park Place, Rockville/Vernon:*

*Application [PZ-2012-10] of Chuck Meek on behalf of First Hartford
Realty Corp. for Approval of Special permits and Site Plan of
Development to construct and operate a convenience store with sale of
gasoline and diesel fuels at #333 Talcottville Road and a portion of #327
Talcottville Road (Assessor's ID: Map #04, Block #0004, Lots/Parcels
#00007 and #0007B)*

*This PZC application is available for inspection by the public in the office
of the Planning Department, 55 West Main Street, Rockville, CT.*

*Chester Morgan, Chairperson
Planning & Zoning Commission (PZC)*

- ◆ Attorney Leonard Jacobs, 56 Deepwood Drive; Representing the Applicant
 - Patrick O'Leary, Vanasse Hagen Brustlin, Inc.;
 - Manny Piava, Cumberland Gulf Oil, Senior Project Manager;
- ◆ Attorney Leonard Jacobs, 56 Deepwood Drive; Representing the Applicant
 - Cumberland Farms requested a stipulation to not allow for the sale of gas or diesel at the former site.
 - Parcel located at #327 Talcottville Road will meet zoning after proposed development.
 - Site will have a right turn in, right turn out and left turn in from Northbound Route 83.
 - Easement is reserved along the rear of the parcel to allow for access to #327 Talcottville Road for future development.
 - Requesting a Special Permit for Site Coverage up to 72.5 % based on the paved rear easement at a future date.
 - Three Special Permits requested – Development in an Aquifer Protection Zone, Lot coverage; Sale of gas/diesel on the site.
 - Application was previously submitted and withdrawn due to State Traffic Commission issues.
 - Signage on the site will be compliant with Section 16.3.4 of the Zoning Regulations.
 - Commission will need to find "Site Suitability" of proposed location for Department of Transportation review.
- ◆ Patrick O'Leary
 - Supplied existing and proposed conditions maps dated July 19, 2012.
 - Proposing a 4,500 sq ft Convenience Store with dispensers and underground storage tanks.
 - Site requires 8 parking spaces, supplying 22 spaces.
 - Meets all building setbacks for the Commercial Zone.
 - Special Permit for coverage changing from 61.9% up to 72.5% coverage when the easement area is paved.
 - Certified on the Record that the development would have not impact to the Aquifer.
 - Storm water system was designed to match peak runoff for the site.
 - Two (2) collection systems on the site for cleaning and discharge to the rear retention/detention area and later infiltration to the aquifer.

- Roof leaders will infiltrate directly without any needed cleaning.
- Designed system meets and exceeds required groundwater protection requirements.
- Traffic – Signalized intersection currently operates at a Level of Service (LOS) A & B.
 - After development expected Level of Service (LOS) to be a B.
 - Vernon Traffic Authority agrees with proposed curb cuts.
 - State Department of Transportation (DOT) has requested extension of the Left turn lane queue to allow for 160' of stacking.
- Landscaping – Utilizing Deciduous and Flowering trees as well as 160 low growing shrubs.
 - Retaining wall will be constructed along the west side of the property.
- Proposed development complies with Zoning and Special Permit requirements.
- ◆ Manny Piava, Cumberland Farms, Senior Project Manager.
 - Proposed structure is 4,514 sq ft
 - Full pitch metal seam roof with gable sign areas.
 - Mechanicals are enclosed on an upper level balcony.
 - Kneel wall stonework will be mirrored on the canopy columns at the gas pumps.
 - Presented proposed overlay rendering of the site to show finished project.
- ◆ Charles Bardes questioned referenced Fire Protection Report that was not supplied within the application packet.
- ◆ Manny Piava indicated that the structure will meet all local heat and smoke detection requirements and dry protection system at the pump area.
- ◆ Charles Bardes questioned listing of all directional signs.
- ◆ Patrick O'Leary indicated that the southbound exit will have a "No Left Turn" and will revise to show the sign on the plans.
- ◆ Leonard Jacobs suggested a stipulation that requires Traffic Authority review of required signage.
- ◆ Charles Bardes possible use of Low Impact Development (LID) design principles for the proposed development.
- ◆ Patrick O'Leary indicated that they were reviewed for the site and storm water system was designed with low impact.
- ◆ Charles Bardes questioned possible change in timing for light signal.
- ◆ Patrick O'Leary indicated that the State Traffic Commission did not make any suggested to change the timing of the light signal.
- ◆ Staff Input:
 - David Gooch, Civil Engineer
 - Has spoken to the Town Engineer – Drainage design is adequate for the proposed development.
 - Lot Coverage should not affect the storm water leaving the site.
- ◆ Twelve (12) minute recess at 8:03 P.M
- ◆ Meeting reconvened at 8:15 P.M.
- ◆ Public Correspondence – None
- ◆ Public Input (8:16 P.M.)
- ◆ Rebuttal And Summation – None
- ◆ Public Hearing Closed at 8:17 P.M.
- ◆ Eight (8) minute recess at 8:17 P.M.

- ◆ Meeting reconvened at 8:27 P.M.
- ◆ Charles Bardes, seconded by William Roch moved a Motion to Approve the Application. Motion Carried unanimously. (Full Motion supplied as Attachment #1 to these minutes.)

3.2 Application [PZ-2012-11] of Parke Bank for approval of a resubdivision of property at #135 Talcottville Road to create a separate lot for the building and site at #141 Talcottville Road (Taco Bell) (Assessor's ID: Map #02, Block #0004, Lot/Parcel #0078A)

- ◆ David Gooch, Civil Engineer read the Legal Notice into the Record.

*Public Notice
Town of Vernon*

The Vernon Planning & Zoning Commission (PZC) will hold the following public hearing at its regular meeting at 7:00 PM a Thursday, July 19, 2012, in the Town Hall Council Chambers on the Third Floor at 14 Park Place, Rockville/Vernon:

Application [PZ-2012-11] of Parke Bank for approval of a resubdivision of property at #135 Talcottville Road to create a separate lot for the building and site at #141 Talcottville Road (Taco Bell) (Assessor's ID: Map #02, Block #0004, Lot/Parcel #0078A)

This PZC application is available for inspection by the public in the office of the Planning Department, 55 West Main Street, Rockville, CT.

*Chester Morgan, Chairperson
Planning & Zoning Commission (PZC)*

- ◆ Ben C. Osgood Jr., Professional Engineer, Pennori Associates.
 - Requesting to divide the existing lot into two separate parcels.
 - Lot #1A – 104,609 sq ft
 - Lot #1B – 35,562 sq ft
 - Two (2) easements on the property
 - Access easement and a parking easement.
- ◆ Staff Input
 - No wetland located on the current parcel.
- ◆ Dan Anderson expressed concern regarding maintenance of the parking area by the Town.
- ◆ Shaun Gately, Economic Development Coordinator:
 - Access Easement would remain after the lot division.
 - Town has not been performing any maintenance on the entrance drive of parking area.
 - Suggested a “license” to utilize the dumpster in its current location on Town property.
- ◆ Call for Intervenor – None
- ◆ Public Comment – None
- ◆ Public Input - None
- ◆ Ben Osgood spoke to the specifics of the relative easements.
- ◆ Dan Anderson indicated that he would prefer to have the dumpster remain in its current location.

- ♦ **Public Hearing was closed at 8:54 P.M.**
- ♦ **Charles Bardes, seconded by William Roch moved a Motion to Approve the Application as presented with the stipulations;**
 - **The parking and access easement should be revised to provide for leaving the Taco Bell dumpster and enclosure where it currently is located, and supplied to the Town Attorney for review and submission to the Town Council for approval.**
- ♦ **Motion carried unanimously.**

4. Old Business

5. New Business.

5.1 Receipt of Applications:

5.1.1 Application [PZ-201242] of Giovanna Izzo dba (Antonio's Italian Pizzeria, LLC) for a Special Permit for the conversion of the former Restaurant at #172 Union Street to a Church (Assessor ID: Map #22, Block #52, Lot/Parcel #0007A)

- ♦ **William Roch, seconded by Victor Riscassi moved a Motion to Receive and Schedule a Public Hearing for August 2, 2012. Motion carried unanimously.**

5.1.2 Application [PZ-2012-13] of Fancy Feet Professional Pet Grooming, LLC for a Modification to the Special Permit for Outdoor Animal Play area for Doggie Day Care/Kennel Days at #593-601 Talcottville Road (Assessor's ID: Map # 08, Block #0002, Lot/Parcel #00015)

- ♦ **Charles Bardes, seconded by William Roch moved a Motion to Receive and Schedule a Public Hearing for August 2, 2012. Motion carried unanimously.**

6. Other Business

- 6.1 Additional business to be considered should be introduced under PZC meeting agenda item "#2.1 Amendment / Adoption of Agenda" at the beginning of the meeting.

7. Adjournment.

- ♦ **Dan Anderson, seconded by Thomas Voss moved a Motion to Adjourn. Motion carried unanimously.**
- ♦ **Meeting adjourned at 9:00 P.M.**

James Krupienski
Recording Secretary

Attachment #1

**DRAFT MOTION
PZ-2012-10**

**Approval of Special Permits and Site Plan of Development
Chuck Meek/First Hartford Realty Corp.**

MOVED, that the Vernon Planning & Zoning Commission does hereby APPROVE, as amended herein, Application [PZ-2012-10] of Chuck Meek/First Hartford Realty Corp. for approval of special permits and a site plan of development for property at #327 and #333 Talcottville Road (Assessor ID: Map #04, Block #0004, Lot/Parcel #00007).

This approval is granted in accordance with the plans submitted, as revised, and such revisions to said plans as may be required by this approval, and the Commissions determination that this site is suitable for the intended purpose presented.

In addition to the plans, this approval is granted in accordance with an application dated May 29, 2012, a public hearing opened on July 19, 2012, and closed on that date, and in accordance with the following documentation submitted by the applicant or otherwise received by the Commission:

1. Stormwater Management Report, Proposed Convenience Store with Gas, Vernon, Connecticut; Prepared for First Hartford Realty Corporation, 149 Colonial Road, Manchester, Connecticut 06042; Prepared by VHB/Vanasse Hangen Brustlin, Inc., Transportation, Land Development, Environmental Services, 54 Tuttle Place, Middletown, Connecticut 06457, March 2012;
2. Traffic Impact and Access Study, Proposed Convenience Store with Gas, Vernon, Connecticut; Prepared for First Hartford Realty Corporation, 149 Colonial Road, Manchester, Connecticut 06042; Prepared by VHB/Vanasse Hangen Brustlin, Inc., Transportation, Land Development, Environmental Services, 54 Tuttle Place, Middletown, Connecticut 06457, March 2012;
3. Supplement to the Traffic Impact and Access Study by letter dated June 4, 2012, to Andrew Morrill, District Special Services Agent II, Connecticut DOT, Office of Special Services Permitting, District I Office, from Mark Grocki, P.E., Senior Project Engineer, VHB/Vanasse Hangen Brustlin, Inc.;
4. Supplemental Information Package, Proposed Convenience Store with Gas, 333 Talcottville Rd & Hockanum Blvd, Vernon, Connecticut; Prepared for First Hartford Realty Corporation, 149 Colonial Road, Manchester, Connecticut 06042; Prepared by VHB/Vanasse Hangen Brustlin, Inc., Transportation, Land Development, Environmental Services, 54 Tuttle Place, Middletown, Connecticut 06457, March 2012, REV. June 2012;
5. Memorandum to the Planning and Zoning Commission dated July 12, 2012, from Leonard K. Tundermann, Town Planner;
6. Memorandum to the Planning and Zoning Commission dated April 3, 2012, from Shaun Gately, Economic Development Coordinator, relaying the review by the Design Review Advisory Commission.

This approval is granted because the PZC finds that the application, as presented by the applicant and as amended by the stipulations of this approval, if any, complies with applicable requirements of the Vernon Zoning Regulations and satisfies the requirements of section 14 governing site plans, section 17.3 governing special permits, and sections 20.4.2.20 and 20.6.1.

This approval is effective the later of [date to be determined] 2012, or UPON THE RECORDING OF THIS APPROVAL LETTER AND CERTIFICATE OF SPECIAL PERMIT WITH THE TOWN CLERK. A signed copy of this letter should also be returned to the Town Planner's office within fifteen (15) days of the effective date.

The Commission hereby approves the special permits and site plan of development subject to the following conditions, modifications, restrictions, and safeguards:

1. The above-referenced plans, as modified by these conditions, shall be placed on two sets of Mylar bearing this approval letter, stamped "APPROVED," and signed by the Planning & Zoning Commission (PZC). Said plans shall be filed by the applicant with the Town Planner and Town Clerk by [date to be determined], 2012, which is within 90 days of the effective date;
2. The applicant/developer shall execute and submit a Hold Harmless Agreement in compliance with the Town of Vernon approved form;
3. The applicant or his/her agent shall submit to the Town Planner an instrument of financial guarantee in a form acceptable to the PZC for Erosion and Sedimentation Control in the amount of \$ _____. The Erosion and Sedimentation Control financial guarantee must be submitted prior to the start of any site work. The applicant or his/her agent shall submit to the Town Planner an instrument of financial guarantee in a form acceptable to the PZC for site improvements that will be conveyed to or controlled by the Town of Vernon if such site improvements are not completed, as determined by the Town Engineer, prior to issuance of a Certificate of Occupancy. Any financial guarantees are subject to subsequent modification if additional plan review or site modifications dictate.
4. All necessary approvals and permits shall be obtained from the Water Pollution Control Authority;
5. Building Permits may be obtained only if stipulations # 1 -4 are met;
6. Construction drawings shall be submitted to the Town Engineer prior to starting any site work;
7. No site preparation work may commence until the erosion and sedimentation control financial guarantee and hold harmless agreement have been posted and erosion and sedimentation control measures have been installed;
8. The applicant/developer shall be responsible for erosion and sedimentation (E&S) control in accordance with the approved plan; failure to adhere to the plans, or create any discharge of materials, shall be considered a violation; remedial action may include the calling of the E&S financial guarantee; no financial guarantee of E&S controls shall be released until any ESCP violations have been remediated;
9. Dumpsters shall be provided on-site during construction;
10. There shall be no on-site burial of building materials or debris, and a statement to this effect shall be submitted to the Town planner prior to the release of bonds;
11. Any streets, roads, sidewalks, and curbs are to be repaired or replaced, including damage due to construction activities, if required in the opinion of the Town Engineer per Commission Policy approved January 14, 1985, as amended June 1, 1998;
12. All work in connection with this site plan shall be completed within five years after the approval of the plan, or by [date to be determined], 2017;
13. A complete improvement location survey (as-built) plan of the site development shall be submitted to the Town Planner for approval per Town Engineering Policy prior to release of any financial guarantees held by the Town of Vernon;
14. All easements and agreements noted on the site plan of development shall be recorded prior to issuance of a Certificate of Occupancy;
15. Zoning Regulation 4.9.4.15.6 – Acknowledging that the lot coverage will be up to 72.5%.
16. Zoning Regulation 4.9.4.15.19 – Sale of Gas and diesel fuel and other products.
17. The parcel at #421 Talcottville Road shall not be utilized for the sale of gasoline or diesel fuel unless subsequently approved by a majority of the commission at a future application.
18. Signage for the site as may be required by the State Traffic Commission shall be fully complied with.